

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TENNESSEE CLEAN WATER NETWORK,
and TENNESSEE SCENIC RIVERS
ASSOCIATION,
Plaintiffs,

v.

TENNESSEE VALLEY AUTHORITY,
Defendant.

No. 3:15-cv-00424
Judge Crenshaw
Magistrate Judge Holmes

**DEFENDANT TVA'S MOTION TO EXCLUDE TESTIMONY AT
TRIAL OF ANTHONY DOLLE, ALAN SPARKMAN,
DR. CRAIG PHILIP, AND FRANK FISS**

Pursuant to Federal Rule of Civil Procedure 37(c)(1) and Local Rule 39(c)(6)(d), Defendant Tennessee Valley Authority (“TVA”) moves the Court to exclude all testimony at trial of Anthony Dolle, Alan Sparkman, Dr. Craig E. Philip, and Frank Fiss because Plaintiffs did not make timely Rule 26(a)(1) disclosures for these individuals and because Plaintiffs made no Rule 26(a)(2) expert disclosures for three of the individuals who were disclosed to testify concerning technical or other specialized knowledge within the scope of Federal Rule of Evidence 702.

Plaintiffs’ untimely disclosures were delivered to TVA, via email, on December 23, 2016 (approximately five hours before Plaintiffs listed the four individuals on their trial witness list), and for the reasons and upon the authorities set forth in its accompanying brief, TVA respectfully requests that the Court enter an order excluding any testimony by these individuals at the January 30, 2017, trial of this matter.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on December 30, 2016, the foregoing document was filed electronically through the Court's ECF system. Notice of this filing will be sent by operation of the Court's ECF system to counsel for all parties as indicated below. Parties may access this filing through the Court's ECF system.

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